

HOUSE BILL NO. 182

INTRODUCED BY B. NEWMAN, JENT

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT CERTAIN RETIRED JUDGES WHO HAVE BEEN DEFEATED AT THE POLLS MAY BE CALLED FOR DUTY; PROVIDING THAT RETIRED DISTRICT COURT JUDGES MAY NOT BE CALLED FOR DUTY ON THE SUPREME COURT; PROVIDING THAT THE CALL FOR DUTY MAY BE MADE BY THE CHIEF JUSTICE; ~~AND~~ AMENDING SECTION 19-5-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 19-5-103, MCA, is amended to read:

"19-5-103. Call of retired judge for duty. (1) (a) Every If physically and mentally able, a retired judge or justice who has voluntarily retired after 8 years of service must, if physically and mentally able, be, except a judge or justice retired or removed from office under 3-1-1111, is subject to call for duty by the supreme court or the chief justice to aid and assist the supreme court, any district court, or any water court under directions as that the supreme court chief justice may give, including or to serve as water judge.

(b) When called, a retired judge's duties include the examination of the facts, cases, and authorities cited and the preparation of opinions for and on behalf of the supreme court, district court, or water court or to serve as water judge court to which the judge is called to serve. The opinions, when and if and to the extent approved by the court, may by the court be ordered by the court to constitute the opinion of the court. The court and the retired judge or justice may, subject to any rule that the supreme court may adopt, perform any duties preliminary to the final disposition of cases that are not inconsistent with the constitution of the state.

(2) A retired judge or justice, when called to duty, must be reimbursed for actual expenses, if any, in responding to the call. In addition, a retired justice or judge or justice is entitled to receive compensation in an amount equal to:

(a) the daily salary then currently applicable to the judicial position in which the duty is rendered for each day of duty rendered, up to a total of 180 days in a calendar year; and

(b) for each day of duty after 180 days in a calendar year, one-twentieth of the monthly salary then currently applicable to the judicial position in which the duty is rendered minus an amount equal to one-twentieth of the monthly retirement benefit that the retired ~~justice or judge~~ justice is receiving, if any."

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6 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

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